IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

Eugene P. Harrison, aka Eugene Paul Harrison,) C.A. #3:06-3452-PMD)
Plaintiff,)
VS.	ORDER
Owner: Fire Mountain Restaurant; Fire Mountain Restaurant; and Employee at Cash Register,)))
Defendants.)))

The above-captioned case is before this court upon the magistrate judge's recommendation that the case be dismissed without prejudice and without issuance and service of process.

This Court is charged with conducting a <u>de novo</u> review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. <u>Thomas v Arn</u>, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. <u>United States v. Schronce</u>, 727 F.2d 91 (4th Cir. 1984). No objections have been filed to the magistrate judge's report.

A review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. For the reasons articulated by the magistrate judge, it is hereby **ordered** that the within case is hereby **DISMISSED** without prejudice and without issuance and

services of process.

ORDERED, that the magistrate judge's report and recommendation is adopted as the order of this Court, and

AND IT IS SO ORDERED.

PATRICK MICHAEL DUFFY United States District Judge

Charleston, South Carolina January 17, 2007

NOTICE OF APPEAL

Plaintiff is hereby notified that he has the right to appeal this Order within thirty (30) days from the date hereof pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.